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To: Examiner Kurt C. Rowan
Art Unit: 3643
United States Patent and
Trademark Office

Date: June 17, 2004

Fax No.: 703-872-9306

Pages: 11, including this cover sheet.

From: Robert M. Gamson, Esquire

Subject: U.S.A. patent application Serial No. 10/641,708, filed August 15, 2003, for
"SECTIONED ARTICLE FOR MOSQUITO CONTROL AND PACKAGE
THEREOF"; Cohen et al, Inventors; Summit Chemical Company, Assignee; Our
Ref. 03020-PA

COMMENTS:

Per our telephone conversation of June 17, 2004, enclosed is a draft of an Amendment to be discussed in an interview scheduled for June 22, 2004 at 10:00 A.M.

Sincerely,



Robert M. Gamson

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Cohen et al

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Serial No. 10/641,708

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Filed: August 15, 2003

*

Art Unit: 3643

For: SECTIONED ARTICLE FOR
MOSQUITO CONTROL
AND PACKAGE THEREOF

*

Examiner: Mr. Kurt C. Rowan

*

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Official Action of March 8, 2004, the time to respond to which is hereby extended by one (1) month to July 8, 2004, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend page 5 of the specification as follows.

IN THE DRAWINGS

Please amend FIG. 3 as follows.

IN THE CLAIMS

Please cancel claims 1-12 without prejudice or disclaimer and insert herein new claims 13-26 as follows.

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SPECIFICATION

In the specification, page 5, lines 3-8, please amend:

It is preferred that at least one well 12 and preferably most of the wells 12 have a center post 16 and a plurality of spokes 18 which radiate outwardly from the center post 16 to the circumferential wall 24 of the well 12. The spokes 18 preferably have a height equal to the depth of the well 12 from the bottom 26 of the well 12 to the open top which has a cover thereon. The spokes 18 define a plurality of segments within the well 12. The number of spokes 18 may be different between wells 12 in the tray 10.

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CLAIMS

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Claims 1-12 (canceled).

Claim 13 (new) A package containing a plurality of articles for the control of mosquitos in a body of water, comprising:

a tray having a plurality of spaced-apart wells formed therein, each well having an open top and circumferential walls connected to a bottom of the well,

at least one well of said wells having a center post formed therein, with a plurality of spokes being connected between the center post and the circumferential wall, the spokes radiating outwardly from the center post forming segments within the at least one well,

each article of said plurality of articles for control of mosquitos having at least one removable section, the at least one removable section having a predetermined quantity of an active ingredient for control of mosquitos contained therein, each article of said plurality of articles for control of mosquitos being received in a separate well,

the removable sections of the article being disposed into the respective segments within the at least one well, the removable sections conforming to the respective segments,

wherein each at least one section of the article is individually removable from the open top of the respective well such that the entire article, or one or more sections thereof, may be removed from the open top of the respective well as desired and as needed to treat the body of water.

Claim 14 (new) The package of claim 13, wherein the at least one well has a depth between the bottom and the open top, each spoke having a height corresponding to the depth of the at least one well.

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Claim 15 (new) the package of claim 13, wherein each well has a selected number of spokes formed therein, wherein the number of spokes may vary from well to well, thereby receiving articles with corresponding varying numbers of sections providing a means to treat bodies of water of varying volumes.

Claim 16 (new) The package of claim 13, further comprising a removable cover disposed over the wells.

Claim 17 (new) A package containing a plurality of articles for control of mosquitos in a body of water, comprising:

each article having at least one removable section, each at least one removable section having therein a predetermined quantity of an active ingredient for control of the mosquitos,

a tray having a plurality of spaced-apart wells formed therein, each well having at least one segment formed therein,

wherein a respective article is disposed in a respective well, each at least one removable section of the respective article being received in and conforming to each at least one segment in the respective well.

Claim 18 (new) The package of claim 17, wherein each well has an open top, circumferential walls connected to a bottom, a center post within the well and a plurality of spokes between the center post and the circumferential wall, thereby forming the at least one segment within the wall.

Claim 19 (new) In combination with a plurality of articles intended to be tossed into ponds and other bodies of water and to float and disintegrate thereon for mosquito control purposes,

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a package for the manufacture, shipment and convenient dispensing of the articles, the articles being sequentially selected by the user thereof, comprising a tray having a plurality of wells depending therefrom to receive the respective plurality of articles, a removable protective cover for tray, thereby retaining the articles in the respective wells until being selected and removed by the user, and at least one of the wells having means therein for forming a plurality of smaller portions of the respective articles in the said at least one well, so that where a smaller pond or body of water is encountered, only a smaller portion of the respective article may be employed, thus obtaining an economical benefit for the user.

Claim 20 (new) The combination of claim 19, wherein the articles comprise generally-cylindrical discs, and wherein the depending wells on the tray are generally cylindrical and complementary to the discs.

Claim 21 (new) The combination of claim 20, wherein the smaller portions of the said at least respective disc comprise a plurality of circumferential segments.

Claim 22 (new) The combination of claim 21, wherein each well has a cylindrical wall, and wherein the circumferential segments are formed by a central post and a plurality of planar spokes radiating from the central post to the cylindrical wall of the respective one well.

Claim 23 (new) The combination of claim 19, wherein the removable protective cover comprises a peel-off cover.

Claim 24 (new) The combination of claim 19, wherein the tray comprises a planar tray.

Claim 25 (new) The combination of claim 19, wherein the articles comprise a larvicidal micro-organism.

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Claim 26 (new) The combination of claim 25, wherein the micro-organism comprises
Bacillus Thuringiensis Israelensis.

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REMARKS

The drawings and specification were objected to because the circumferential wall and bottom of the well was not shown in the drawing and identified in the specification.

The specification has been amended herein on page 5 to insert reference numeral "24" after the existing term "circumferential wall" and to insert reference numeral "26" after the existing term "bottom". New matter has not been added.

FIG. 3 was amended to add reference numerals "24" and "26" to the drawing to correspond with the above-amended specification. A sheet labeled "Annotated Marked-Up Drawing" is enclosed showing, in red, the addition of numerals "24" and "26". A sheet labeled "Replacement Sheet" is enclosed with the correction in black and white.

Claims 1-3 were rejected under 35 U.S.C. §112, second paragraph and claims 1-12 were rejected under 35 U.S.C. §103(a).

Claims 1-12 have been canceled herein without prejudice or disclaimer and these issues are now moot.

In the interest of expediting the examination, new claims 13-26 have been inserted herein. Support for claims 15-26 is found in the specification pages 4-6 and FIGS. 1-8.

It is submitted that the claimed package is patentably distinguishable from *Lund et al*, *Kase et al* and the references not relied on. The prior art does not disclose a plurality of wells with at least one of the wells having a center post with spokes radiating from the center to the circumferential walls. Further, the prior art does not suggest nor disclose an active ingredient in an article having sections which are received in the segments formed in the wells.

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Neither do the cited references suggest nor disclose a package having a plurality of wells for forming a plurality of smaller portions of articles in at least one well. Further, the prior art does not suggest nor disclose removability of one or more portions of the article as needed to treat the body of water.

Lund et al do not suggest nor disclose a plurality of wells in a tray. *Lund et al* have only one well and there is no motivation to have more than one well in the device because the device is designed to be a separate station for bait for insects. The device has an anchor tube to secure the "single integrated unit" (column 3, line 13). Also, the partitions (considered spokes by the Examiner) are not connected to the center post as evident in FIG. 3. The support rod 50 (which the Examiner identifies as the post) is optional and is received in the hollow cylindrical section in the center of the cup (column 4, lines 16-18). *Lund et al* do not suggest nor disclose the well may have no spokes or that the number of spokes may be different in different wells within the same device. Neither does *Lund et al* suggest nor disclose one or more sections formed in the insect control article which is received in the segments in the well. Rather, *Lund et al* uses the sections within the cup to house bait, pesticides and/or attractants for pests. The device of *Lund et al* is the actual device into which the pest must enter. The device of *Lund et al* is not a planar tray. The applicants' device is a package for selectively storing and removing a desired amount of an active ingredient to which the pest is exposed externally of the package. It is submitted that not only are the structural differences sufficient to distinguish the applicants' package from the device of *Lund et al*, but there is no motivation for a person skilled in the art of packaging articles for control of mosquitos to consider the insect bait device of *Lund et al*. Neither is there any motivation to combine *Lund et al* and *Kase*

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et al. Even if combined, the resulting device would have a device which is anchored in the ground and has a single well to hold a bait.

None of the other references disclose a package with a plurality of wells wherein the well may have a differing number of spokes about a center post and the active article is received in the segments defined by the spokes. Also, the references do not suggest nor disclose removable sections of active ingredient to treat a body of water.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

Date

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